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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

J.P., a minor, by and through CHANNY SOK-
HANG as guardian,

Plaintiff,

vs.

CITY OF STOCKTON, et al.

Defendants.

Case No.: 2:21-cv-00788-WBS-AC

**STIPULATION AND ORDER TO
MODIFY PRETRIAL SCHEDULING
ORDER, INCLUDING TRIAL DATE**

[No hearing required]

1 This Stipulation is respectfully submitted by all named parties: Plaintiff J.P., by and
2 through Channy Sok-Hang as guardian, on the one hand; and Defendants City of Stockton (also
3 named as “Stockton Police Department”) (the “City”), Chief of Police Stanley McFadden, and
4 Officer Jorge Andrade, on the other hand, all through their undersigned counsel of record.

5 RECITALS

6 A. On May 3, 2021, Plaintiff filed this lawsuit.

7 B. On May 27, 2022, the Court issued a Status (Pretrial Scheduling) Order (ECF
8 No. 52), scheduling a jury trial to begin on June 4, 2024, with a 14 day estimate.

9 C. There is another lawsuit pending in this Court, also before the Honorable William
10 B. Shubb, entitled *Karen Sutherland, et al. v. City of Stockton, et al.*, Eastern District of
11 California Case No. 2:21-cv-01855-WBS-AC (the “*Sutherland Case*”). The City of Stockton is a
12 defendant in both that case and in the instant case. Moreover, the same defense counsel in the
instant case are also defense counsel in the *Sutherland Case*.

13 D. On July 12, 2022, the Court in the *Sutherland Case* issued a Status (Pretrial
14 Scheduling) Order, scheduling the jury trial to begin in the *Sutherland Case* on the same date as
15 the first day of the jury trial in this case, June 4, 2024, with an eight to 10 day estimate.
16 (*Sutherland Case*, ECF No. 26).

17 E. Because of this conflict, on October 31, 2022, Defendants counsel filed motions
18 in both cases to address the conflict. (ECF No. 56; *Sutherland Case* ECF No. 27.)

19 F. On December 5, 2022, this Court denied both motions as premature, but stated it
20 would consider renewed motions closer to trial. (ECF No. 61; *Sutherland Case* ECF No. 33.)

21 G. Counsel in the instant case have been diligently engaged in discovery, including
22 both party discovery and third party subpoenas.

23 H. Plaintiff’s counsel now has a conflict with the June 4, 2024, trial date in the
24 instant case because trial in another of her cases is scheduled for that date. Counsel for both sides
25 have met and conferred, and agreed to request this Court to continue the trial date in the instant
case.

26 I. Moreover, counsel have also met and conferred regarding scheduling depositions
27 in the instant case, and both counsel also have significant other conflicts, as a result of which
28 they wish to continue the discovery deadlines and other pretrial deadlines. Among other things,
Plaintiff’s counsel is scheduled to begin a lengthy jury trial that is scheduled to start on August 8,

2023, and scheduled to take up most of August 2023. Defendants' counsel is scheduled to take approximately 20 depositions from mid-August through September 2023 (some of which are in the *Sutherland* case), and cannot be available for depositions in the instant case until October 2023. Because of the number of depositions counsel is contemplating in the instant case based on the results of written discovery, counsel believes the discovery cutoff date of November 13, 2023, will not allow them sufficient time to complete all the discovery necessary to prepare for trial.

J. Further, given the press of business, other trials, and matters that counsel have scheduled, the anticipated time the parties will require to respond to outstanding discovery requests and marshal the documents that will be requested, the time that may be required to meet and confer on discovery issues in an effort to avoid potential discovery motions, the large number of depositions contemplated because of the large number of third party witnesses, and the desire of counsel to exercise professional courtesies by reasonably accommodating the schedules of the deponents and counsel, granting reasonable extensions, and the need to set depositions on mutually available dates, including the anticipated difficulties with doing this (in view of the number of party and counsel schedules and potential depositions involved), counsel reasonably estimate the need for, and, thus, respectfully request, a modification of the Scheduling Order as set forth below. In addition, counsel for Defendants are not available for trial until April 2025. Counsel request that all deadlines in the Scheduling Order be correspondingly extended to match the newly requested trial date, with spacing between such dates to remain approximately the same as is set forth in the Pretrial Scheduling Order.

K. When an act must be done within a specified time, the Court may, for good cause, extend the time with or without motion if the court acts, or a request is made, before the original time expires. Fed. R. Civ. P. 6(b)(1)(A). With respect to an order setting forth the Court's pretrial schedule, "[t]he district court may modify the pretrial schedule 'if it cannot be reasonably met despite the diligence of the party seeking the amendment.'" *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

L. There have been no prior modifications of the Scheduling Order.

STIPULATION

The parties, by and through their undersigned counsel, respectfully request that the Court modify the Scheduling Order as follows:

Matter	Current Date	Proposed Date
Disclosure of Experts	9/18/2023	6/7/24
Disclosure of Rebuttal Experts	10/16/23	7/12/24
Cutoff of All Discovery	11/13/23	9/6/24
Motion filing Cutoff Date	1/8/24	12/9/24
Final Pretrial Conference	3/25/24	February 2025
Trial	6/4/24	April 2025

Based on the foregoing, the parties respectfully request that the Court grant this stipulation for a modification of the Scheduling Order.

Respectfully Submitted,

Dated: August 5, 2023

HERUM CRABTREE SUNTAG, LLP

By: /s/ Joshua J. Stevens
JOSHUA J. STEVENS
Attorneys for all Defendants

Dated August 21, 2023

LAW OFFICE OF YOLANDA HUANG

By: /s/ Yolanda Huang
YOLANDA HUANG
Attorney for Plaintiff

SIGNATURE ATTESTATION

Pursuant to Eastern District of California Local Rule 131(e), I attest that I obtained authorization to place Plaintiff's counsel's e-signature on this document and to file this document with the Court.

By: /s/ - Joshua J. Stevens
Joshua J. Stevens

ORDER

The Court, having considered the parties' stipulation, and good cause appearing, rules as follows:

The relief the stipulation requests is GRANTED, and the modified dates are as follows:

Matter	New Deadline
Disclosure of Experts	6/7/24
Disclosure of Rebuttal Experts	7/12/24
Cutoff of All Discovery	9/6/24
Motion filing Cutoff Date	12/9/24
Final Pretrial Conference	2/24/2025 at 1:30 pm
Trial	4/22/2025 at 9:00 am

IT IS SO ORDERED.

Dated: August 23, 2023



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE